



City of Miami Springs, Florida

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Wednesday, April 22, 2009, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:01 p.m.

The following were present:

Mayor Billy Bain
Vice Mayor Bob Best
Councilwoman Jennifer Ator
Councilman Daniel Espino
Councilman George V. Lob

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Finance Director Leacroft E. Robinson
Comptroller Alicia E. González
City Clerk Magalí Valls

2. Invocation: Councilwoman Ator offered the invocation.

Salute to the Flag: The audience participated.

Agenda Item # 4 was discussed at this time.

3. Discussion Regarding the City's Goals and Objectives

City Manager Borgmann said that his correspondence regarding this item included a synopsis of the suggestions and goals that have been presented and/or acted upon for the past four years. Some of them are major in scope and demand a lot of time and effort.

Mayor Bain hoped Council would be able to agree, choose to pursue some of these goals and go forward working together.

City Manager Borgmann noted that one of the major goals listed in the 2005 meeting was the design and construction of a new recreation center. To follow up, the ground breaking ceremony has been held and actual construction will start as soon as the final site plan is reviewed and approved, though there is still a lot of activity going on behind the scenes.

City Manager Borgmann said the second major goal was finalizing the district boundary regulations for the commercial business district, including the N. W. 36th Street Corridor. He explained that two of the three commercial districts have been completed, and the N. W. 36th Street area is still being worked on. The traffic study has been completed, and they will be able to focus on the capital improvement segment after tonight's meeting.

City Manager Borgmann noted that the last major goal was to prevent undesirable construction in the area through changes to the Code or suggestions by the Architectural Review Board. Council has had many discussions regarding "McMansions" addressing this issue.

City Manager Borgmann reported that the water and sewer departments were turned over to the County and the City did offer some tax and fee exemption discounts to seniors. The Golf Course has expanded its marketing and advertising to the local hotels and on the website as much as the budget will allow. Revenues and expenditures are down slightly based on the general economy, but the operation is ahead of where it was last year at this time. The City will be able to implement a marketing strategy for itself if annexation occurs and it can develop more commercial property.

City Manager Borgmann stated that the new Community Center, the golf course and a revitalized Curtiss Mansion are all components that can be used to promote the City. The creation of a five-year financial plan that will keep track of financial changes was another goal. Not much progress has been made on this plan because of the change in Financial Directors in mid-stream.

In 2005, annexation was discussed along with the commercial area and tax base, as well as grants, according to Mr. Borgmann. The City now has a full-time grant writer on staff that has been successful in receiving grant funds. The property values were higher in 2005, and even though the values seem good today, the County in general may be down 20% plus or minus for the next taxable year.

City Manager Borgmann said that Wi-Fi is a new concept and there is still movement toward that goal. Significant strides have been made in the enterprise funds in order to safeguard the financial future of the City by turning over the Water and Sewer to Miami-Dade.

City Manager Borgmann explained that of the expense generating items that were discussed, improvements to the Senior Center are being addressed with grant money. Significant amounts were spent on the Golf Course, but it still is faced with an expense of \$1.5MM to \$1.7MM for an irrigation system. Hopefully, annexation will provide surplus revenues to fund projects.

City Manager Borgmann recently attended a “Disaster Recovery” seminar hosted by the Florida League of Cities, which provided a list of resources and assistance available to the City in the event of a disaster. There are basic “hands on” types of exercise and products that are available as far as communication during a disaster if the phone lines go down, but these types of ideas all need revenue.

The biggest expense the City has is the cost of the employees, paying fair wages and offering equitable benefits, according to Mr. Borgmann.

City Manager Borgmann further explained that ongoing financial issues include establishing a cash reserve target and improving the City’s credit rating. Steps are being taken to accomplish this goal and the Administration recently had a very successful conversation with Moody’s, a bond rating company. The transfer of the water and sewer system is a huge burden that was lifted off the credit rating.

Quality of life issues include charter and code review, code compliance, tree mitigation, election changes, which have been addressed, according to Mr. Borgmann. Another issue is deflection of questionable businesses, such as adult book stores, and according to the Supreme Court a zone must be allowed for these types of businesses, which could be designated in the annexation area that is away from the residential neighborhoods.

City Manager Borgmann said that the City was able to start a circulator bus about a year ago and a full report on its progress will be made in an upcoming meeting. The County is also going to undertake an audit to ensure that the Citizen Independent Transportation Trust (CITT) funds are being spent properly.

City Manager Borgmann stated that the Administration keeps a running list of projects that must be completed in order to make City government run more effectively. He reviewed his memorandum of April 17, 2009, suggesting that Council consider a formal City vision statement. He explained that this meeting will begin a process of high level strategy supporting the vision statement for the next five to ten years, establishing policies and programs that will keep the City moving forward, as well as two year objectives tying to the stated strategy.

City Manager Borgmann stated that the Fiscal Year 2008-2009 budget will be reviewed for possible mid-course corrections. The tax revenues are on par with revenues for the last three years. The Administration would like to develop specific revenue enhancement and cost reduction programs, which will be tied to the upcoming budget process.

City Manager Borgmann said that developing a major public relations program/marketing plan would address annexation, recreation and the City in general. The Curtiss Mansion renovation will kick-off after the contract is finalized.

Personnel leadership develop is important for training current employees to do a better job as governments are being more streamlined. Training current employees to be future leaders is a much better situation than bringing in people from outside the organization, according to Mr. Borgmann.

City Manager Borgmann stated that the City will continue to focus on grants and Carol Foster has done a tremendous job of acquiring grants that are being used to fund several current projects. The last item on the list concerns developing additional parking alternatives, which might be solved by annexation. The average garage costs approximately \$30,000 per space and even a parking lot is an expensive project because it has to conform to Code.

Councilman Espino said that various parking alternatives had been discussed such as utilizing the Church parking lots and other cost effective measures to increase parking.

City Manager Borgmann noted that the items listed under Finance and Purchasing were in-house functions and day to day operating procedures that the Administration was trying to simplify and streamline. A formal procurement position has not been established, which has worked against the City in some of the Request for Proposals and Request for Qualifications bids.

At the Mayor's request, City Manager Borgmann elaborated on the Public Works items. He explained that the biggest problem with the Ludlum Bike Path has been the roots of the Australian pine trees, which cause the asphalt to buckle. The City received a quote of close to \$500,000 to replace the asphalt with a concrete path, but if the pines are removed, a concrete path will not be necessary. Removing the pines might result in damage to the bike path, so it might be advantageous to wait until that project is complete. There are CITT funds available to replace the path with concrete, which also includes lighting for the section north of Swan, parts of the North Royal Poinciana bike path and the Curtiss Parkway bike path around the Golf Course.

In response to Vice Mayor Best's question, City Manager Borgmann said he did not know the timetable for the tree removal on Ludlam Drive, or if the Florida East Coast Railroad or South Florida Water Management District was in charge of the project. The plan calls for replacement planting with at least five different species of trees.

Mayor Bain asked Council if they had any questions regarding the items that were listed in the memo and if there were none, he would like each Council member to present their own suggestions.

Vice Mayor Best noted that he would like to see the loose ends tied up concerning the Ludlum bike path and the lighting on Curtiss Parkway, provided the CITT money is available for those projects. There is still money in the budget allocated for a skate park, and he would like to pursue a location for the project.

City Manager Borgmann believed that \$75,000 was reserved for the skate park; it was not a budget item at this point but Council could decide to allocate the funds.

Vice Mayor Best felt it was important for the City to keep up with the current technology and IT trends, such as Facebook. Canal Street was another loose end; he knew there was some funding available and asked the City Manager for confirmation that they were matching funds.

City Manager Borgmann agreed that most of the funding received for Canal Street had come from the Florida Recreation Development Assistance Program (FRDAP), which requires a match from the City. Because of the size of the project, which was approximately \$1.6 MM, it was decided to break it down into three phases of about \$525,000 each, and they still were a long way off from starting.

Vice Mayor Best felt that a new irrigation system for the Golf Course will have to be addressed sooner than later; he was told some time ago that it was not feasible to break that project up into segments and he would like to bring the item back for discussion. He would also like to revitalize the Neighborhood Watch program; he thought it was a great benefit to the City in terms of crime prevention.

Councilman Espino said that he appreciated all the items that were presented but felt that Council should focus on setting broad policies that would encompass most of the items in some arrangement. He would like to reopen discussion regarding commercial revitalization, which is already happening on its own in Downtown and it will happen on N. W. 36th Street once the proper zoning boundary regulations are in place to encourage development. He said that data is available and the City is in a very good position.

Councilman Espino explained that his idea is to take a piecemeal approach to build consensus around larger bullet points for commercial revitalization and parking is one of them. He said that the City Manager pointed out that a parking garage is extremely expensive, but there are less expensive alternatives. There should be appropriate signage directing people where to park, with a theme such as the “Preserve American” signs. Another factor would be to address the traffic flow. He felt these are all important to revitalization and they would not generate negativity like a large sweeping plan would.

Councilman Espino stated that updating the Code had been discussed for the past ten years, and it is time to address this as a Council and formulate a report as to how it should be updated. Once the Code is updated, Council can direct the City Manager and the Administration to enforce the Code so that it would eliminate enforcement issues.

Councilman Espino expressed a desire to see more resident engagement in terms of working with the Chamber of Commerce and churches and putting the advisory boards to work. He pointed out that the Code Review Board meets only when directed by Council, and there are several other boards that do not convene unless they are directed to address an issue. He would like to see the Boards become more proactive, bringing ideas to Council.

Councilwoman Ator agreed with Councilman Espino. She said that one of the items on her list was reviewing the Code and engaging the advisory boards with specific tasks. She continued to say that she felt that the City needed a vision statement and a “tag line” and that there should be any number of qualified residents that could help to define those items. She suggested that Council could form an ad-hoc committee to start the process, and even work on public relations programs.

Councilman Espino noted that other municipalities are creating recovery or revitalization committees to keep them moving forward, especially with the economic downturn. He would like to get many residents involved in the process of looking forward, from a vision standpoint, and once this is done, together with workshop meetings, a consensus can be established. It will be much larger than what happened years ago because more people will be involved in the future of Miami Springs.

Councilman Espino would like to develop energy efficient and cost reduction measures. He said that it could save money as well as generate revenue. The Grant Writer is pursuing energy efficiency and conservation block grant funds to begin the process. Establishing a carbon footprint, the City can work to reduce energy expenses and paper reduction can allow credits that can be sold to large companies.

City Manager Borgmann advised Council that the City is in the process of performing an energy audit with Florida Power and Light (FP&L).

Vice Mayor Best added that commercial recycling is something that he would like to add to his list. He felt that this would be a perfect time to start a program, with the possibility of annexation in the future. The program could be revenue generating if the proper one is selected.

Councilman Lob agreed with the previous suggestions that were made about code enforcement and revising the Code. He felt that some provisions had no bearing on today’s society. He would also suggest a public relations program for Building and Zoning. His constituents had expressed their feelings about Code Enforcement, which is an issue that should be addressed.

Councilman Lob stated that he would like to see the City to go wireless and he would like to see a preview of the revamped website so Council could make suggestions. He believes that commercial revitalization is needed, which should be in the forefront. He agreed that parking is always an issue, sometimes it is a perceived problem, but it must be addressed.

Councilwoman Ator agreed with previous comments that commercial revitalization was very important. Everyone acknowledges that parking is a problem, but she would like a report that addresses all parking alternatives, the associated costs, including use of the church parking lots, all the way up to building a parking garage.

City Manager Borgmann noted that some parking studies are referenced in the County’s plan for traffic calming around the Circle. He could obtain copies of the three studies done by various consultants regarding parking for the Council to review, along with the suggestions and drawings made by the various Boards.

Councilwoman Ator said she would like suggestions from the County and the City Planner regarding traffic flow and how to resolve those issues.

City Manager Borgmann replied that the results of the traffic study component for the City's Comprehensive Plan may dictate how much growth the N. W. 36th Street corridor can support. Increasing the floor area ratio in comparison to the level of service, could make it difficult to support development that would generate extra traffic.

Councilwoman Ator agreed, as a citizen and a lawyer, that the Code needed to be updated. She felt that Code Enforcement is very important, and noted that she received a lot of feedback concerning that item during her campaign. She would like to see Council provide more guidance to the various citizens' Boards and this would be her first priority. She expressed her willingness to assist in the process.

Councilwoman Ator felt that additional committees would engage residents, such as a marketing committee. Recreation is also very important to her and she would like to see more programs created for adults and seniors, specifically programs geared towards encouraging seniors to become familiar with computers.

City Manager Borgmann advised that the senior center offers free internet service for seniors, and the program has been in existence for a few years. One of the problems is that the City is only able to provide four machines. He noted that once the library renovation is completed it will have more digital technology and access.

Councilwoman Ator said that she supported a junior golf program and it is important to introduce children to different sports at an early age. She agreed with the proposal to go wireless, and she would also like to see the City move towards a paperless environment because it more efficient, requires less space and is environmentally friendly. She suggested that more information should be available on the City's website.

Councilwoman Ator continued to say that from a legal standpoint, any policy updates concerning the Americans with Disability Act (ADA) and the Family Medical Leave Act (FMLA) should be an immediate priority.

City Attorney Seiden explained that the Human Resources Director does an excellent job posting updates and making sure that the City is in compliance with every directive. She recently brought to their attention an error that was made in regards to part time employee time cards, which was corrected. He has every confidence in her abilities, especially since other municipalities come to her for advice.

City Attorney Seiden agreed with the suggestions regarding the Code and Code Compliance. Many years ago, he advised the City to hire a firm to review and revitalize the Code. The last comprehensive review of the City's Code of Ordinances was performed in 1977 by a part-time planner and his office refused to sign off on the review because he disagreed with many of the items. It has taken many years to address the fact that N. W. 36th Street should be revitalized and developed.

City Attorney Seiden stated that the revitalization of N. W. 36th Street was always a topic at every annexation meeting because the other cities felt that Miami Springs is not entitled to annexation when they cannot develop existing property.

City Attorney Seiden explained that revitalization had been an affirmative promise of Council for the last few years, the process is going forward, the amendments are finished and the final step in the process would be a comprehensive review of N. W. 36th Street. He stated that there are many updated Codes in other cities that address development with various incentives and trade-offs. He felt that with the current traffic conditions, it might be too late to do what could have been done ten years ago because the County or the State might not permit development. He reiterated that he is in favor of the City hiring a professional.

Mayor Bain stated that Council was under the pretense that once the floor area ratio (FAR) was changed to 3.0 it would allow development of N. W. 36th Street. In the interim, Council developed the boundary regulations for the Central Business and the Airport Highway Marine Business Districts.

Vice Mayor Best commented that Council held extensive discussions over the last four years and the problem is the voluminous aspect of reworking the Code, including the cost. He felt that many changes and corrections have been made throughout the years.

City Attorney Seiden said that the community has done exceedingly well with its Code and been reactive and proactive in many areas. The advisory boards have expertise in certain areas and bring information to Council. The prior Councils did great work to establish the Central Business and Neighborhood Business District regulations and they have not been able to finish N. W. 36th Street, but it will be done.

City Attorney Seiden noted that all three new council members mentioned that Code Enforcement was an issue for residents during their respective campaigns. He stated that Code Enforcement is always an issue for small cities, there are only two staff members, but it is more important that Council must establish a policy as to how strictly the Code will be enforced. He suggested that Council might want to have a meeting to determine what the problem areas are and what items they want to focus on, and then establish a policy for Code Enforcement to follow.

Councilman Lob said that it was mentioned that advisory boards are canceling meetings. He felt that Council should strive to listen to their respective board appointees and tell them that their suggestions will be taken into account.

Councilwoman Ator stated that each board has its own personality with different issues and they work to make recommendations to Council. She suggested that the board members should be educated to understand what steps they should take during their board meetings and in making their recommendations to Council.

Councilman Espino agreed that the procedures needed to be polished, but in terms of subject matter, the various boards could review sections of the Code. For example, the Board of Parks and Parkway members have a good understanding of the trees and parkways, while the Board of Adjustment is familiar with Zoning and Planning and they are able to see a pattern of recurring problems that Council may not be aware of.

To answer City Manager Borgmann's question, Councilwoman Ator explained that the Chairman of the Board of Parks and Parkways approached her and emphasized the importance of making sure that all tree trimmers are licensed. She said that when she was on the Recreation Commission there was a perception that their recommendations were not being considered and she would like to educate the board members about the process.

Mayor Bain noted that the Boards have come up with many good ideas and suggestions, like the Golf and Country Club Advisory Board's recommendation for the Champion Greens, but many require funding and Council has to prioritize the projects. He added that almost two dozen skateboarders approached Council to request a skate board park, which is still one of his major goals, but there was a funding issue.

Mayor Bain stated that he would like a presentation from the Administration at a Town Hall meeting to discuss Downtown revitalization, including parking and marketing. He suggested that various issues could be combined and discussed at one meeting, including updating the City Code and Code Compliance, together with input from Staff as to what the main concerns are.

Mayor Bain said that he would support Councilwoman Ator's idea of having the different committees help with a mission statement. He also supports the idea of wireless access and using Facebook to promote the City, as well as improving the City website.

Mayor Bain that some of the Boards do not meet unless they have a specific issues to discuss. He recalled that the Education Advisory Board made a recommendation for Council to consider. He added that Chair Mindy McNichols had expressed a desire to retire from the Education Advisory Board when he finds a new appointee.

Mayor Bain would like to see more interest in revitalizing the N.W. 36th Street Corridor. He felt that Council has the ability to make progress in this area, although some professional help may be needed.

The Mayor would like to provide incentives in the building code to encourage development. He understands that the City Code may require updating because new construction would provide tax revenue.

Mayor Bain requested that management suggest three locations for a skate park and prepare a cost estimate. If management is unable to prepare an accurate cost estimate, he would like to send out a Request for Proposal so the item can be reviewed. He said that at least three Town Hall meetings might be required to discuss all these issues.

City Manager Borgmann felt that it would be appropriate for the Administration to take all the suggestions to see if there is a commonality.

Mayor Bain reiterated that various issues are tied together.

Councilman Lob said that the technology improvement would be cost effective and it would coincide with the environmental movement. He felt that many environmental issues would be related to technological advances.

Councilman Lob was of the opinion that the Building Department could make it easier for the citizens to improve their properties by simplifying the process and giving the residents a clear picture of the requirements in the beginning. This would avoid them having to come back because something is missing.

Councilwoman Ator added that she would also like to see the City web cast the Council meetings, which was cost prohibitive five years ago, but the cost has decreased. She said that there are a lot of people that do not have COMCAST and are unable to watch the meetings.

4. Review and Approval of the Annexation Application

City Manager Borgmann advised that the City Attorney strengthened the language in the document with regards to the terminal section, and the document is being printed and bound prior to being submitted to the County. The City will also have to include a check in the amount of \$6,828.00.

4a. Ordinance – First Reading – An Ordinance of the City Council of the City of Miami Springs; Initiating and Requesting a Boundary Change, by Annexation, for the City of Miami Springs of Certain Identified and Specified Contiguous and Adjacent Unincorporated Areas of Miami-Dade County; Providing City of Miami Springs City Council Approval; Delineating the Requested Annexation Boundary Change by Miami-Dade County; Authorizing all Appropriate and Consistent Actions by City Officers, Officials, and City Council Members; Directions to the City Clerk for Actions Required by this Ordinance; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

Mayor Bain asked for an explanation of the changes that were made in the language.

Attorney Seiden said that the original document was submitted by the County in a draft form for review. He explained that the County requires the Applicant to respond to certain questions under Chapter 20-3 sub-section (F) (6); he changed some language to make the responses clearer and more definitive and specific as it applied to the City.

At the Mayor's request, City Attorney Seiden read Section 10 of the Annexation report that dealt with Terminals. He summarized that in the responses to the County, the City is proposing to annex the property with the intent of increasing the City's tax base. The City will agree to regulate and control the area, generating commercial growth and employment opportunities in the event the terminal designation is lifted in the future.

City Attorney Seiden pointed out that through all of the meetings and discussion about annexation over the past seven years, the reality is that the area is still in the County's possession; they will have the final determination as to whether they will allow the area to be annexed, in addition to entering into a negotiated agreement on the allowable uses for the area in the event the terminal designation is lifted. This application is just the next step in the process.

City Attorney Seiden advised that he has asked Attorney Mel Wolfe for a copy of the resolution that he is working on for the four cities he is representing as soon as possible. The Mayor of the City of Doral has also told him that they are moving forward on their application.

Mayor Bain verified that a second reading of the ordinance will be required after the annexation application is approved.

Alex David of Bell David Planning Group, Inc. stated that he was the sub-consultant for this project. He said the best scenario would be for him to present a copy of the ordinance, the bound copies of the application and the City check to the County as soon as possible. He is doing the same for Virginia Gardens and the only hold up is Doral and Medley because the County Commission is determined that all of the applications come in together.

In response to Mayor Bain's question, Mr. David said he would suggest that Virginia Gardens and Miami Springs ask the City Commissioners to consider their applications even if the other two municipalities were not ready, since all have agreed to the boundaries each city is pursuing.

City Attorney Seiden noted that not having the joint resolution ready might hinder that option. He explained that Mr. Wolfe specialized in annexation procedures, and he was sure he was working very diligently with Doral and Medley to solve their specific issues. One of those issues pertained to areas adjacent to the old dump site that are currently being used by the County; Doral wanted assurance that it would be able to use them after annexation.

Councilman Espino asked if there was any way to determine where Doral and Medley were in the application process, in case the City Commissioners want all the applications at the same time.

City Attorney Seiden replied that the only item that would hold the Miami Springs application up would be the joint resolution. If the resolution is not ready by the second reading of the ordinance, he will contact Mr. Wolfe to see what the problem is.

Vice Mayor Best noted that he believed that Commissioners Sosa and Diaz wanted the applications presented to the County in unison to speed up the process.

Councilman Lob and Vice Mayor Best pointed out several references to “the Village” that needed to be corrected in the document.

Mayor Bain clarified that the residents voted in favor of annexation during the election process, and the next step would be for Council to approve the application and move forward. The only items that would delay the process would be that the County did not want to agree to annexation, or that the Interlocal Agreement among the cities involved was not agreed upon.

City Attorney Seiden did not believe that there was ever a vote against annexation at the Council level by majority from the very beginning of the discussions, and the residents have demonstrated their support by approving the annexation question at the last election. He explained that Council was not bound by those earlier decisions; if they felt that the deal was not beneficial to the City in the final analysis, they had the authority and the right to decide against pursuing annexation; though a vote from the residents would be required by Charter.

City Attorney Seiden read the ordinance by title. He explained that the history of the annexation process is outlined in the “whereas” provisions of the ordinance. Attachments include a map and description of the area in question, the brochure that was sent out to the residents and the vote tally from the election results.

Vice Mayor Best moved to approve the ordinance on first reading. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.

Mayor Bain reiterated that the second reading of the ordinance would be at the first meeting in May.

5. Adjourn.

There being no further business to be discussed the meeting was adjourned at 8:47 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 5/11/2009.

Transcription assistance provided by S. Hitaffer and M. Newton.